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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,275	10/10/2000	Gary Levenberg	KID-01201	5894

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT PAPER NUMBER

3713

DATE MAILED: 04/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/686,275

Applicant(s)

LEVENBERG, GARY

Examiner

Binh-An D. Nguyen

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3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. Claims 1-15 are objected to because of the following informalities:

In claims 1 and 5, the recited word "including (line 1) should be replaced with by "comprising".

In claim 10 each limitation must be separated by a semicolon (;). Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is vague and indefinite since it contains only the preamble.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitaue (5,213,327).

Kitaue teaches a video game system comprising an output screen (18); a video game controller having control buttons (22, 24, 26, 28) for inputting commands to manipulate images on the output screen; video game software interfacing between the video game controller and the output screen; interactive video game controller adapter (10) engaged with the video game controller and shaped to simulate the real-life activity emulated by the video game; the adapter has input controls shaped to simulate the real-life activity emulated by the video game; the control buttons of the video game controller are activated when the corresponding input controls of the adapter are activated. See Figures 1-9 and columns 1-10.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitaue (5,213,327) in view of Hongo (5,766,077).

Kitaue teaches all limitations of claims 1-3, 5-7, and 16-18. Kitaue does not explicitly teach the limitations of controller comprises a main body; a pair circular base plates formed on a top face of the main body and spaced from each other a predetermined distance; and two projections formed on a rear face of the main body (claim 10); the control buttons of the controller are formed on the base plates, the projections, and the top face of the main body of the controller (claim 11); and the

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controller comprises a pair of push buttons formed on the top face of the main body, a pair of handgrips formed on opposite ends of the main body, and a power cord extending from the rear face of the main body for electrically connecting the controller to the video game system (claim 12).

Hongo, however, teaches a video game input device comprises a main body; a pair circular base plates formed on a top face of the main body and spaced from each other a predetermined distance; and two projections formed on a rear face of the main body; the control buttons of the controller are formed on the base plates, the projections, and the top face of the main body of the controller; and the controller comprises a pair of push buttons formed on the top face of the main body, a pair of handgrips formed on opposite ends of the main body, and a power cord extending from the rear face of the main body for electrically connecting the controller to the video game system. See Figure 1.

Further, regarding the limitations of providing different adapter for each different video game system (claims 4 and 8), and the controller is used with a Sony Playstation<sup>TM</sup> video game system (claim 9), these limitations are design choices since they do not bring unexpected results.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the controller adapter, as taught by Kitaue, with the game controller of Hongo to come up with a better video game system that provides a more user friendly interface.

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8. Claims 13-15 and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

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